Ethics Training

Ethics Counselor Name

Organization Name

Phone # / Email

Why Ethics Training?

- Ethics laws, principles, and regulations apply to ALL employees and Soldiers
- Assist you with understanding why the rules exist and how they apply
- Give you a chance to ask questions

Where Does Ethics Training Start?

- Begin with the basics
- The tools needed to comply with all ethics rules and regulations
- The 14 Principles of Ethical Conduct
  - They form the box
  - Think INSIDE the box!

The Principles of Ethical Conduct 5 CFR § 2635.101(b)

1. **Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.**

Oath of Office "Defending the Constitution"

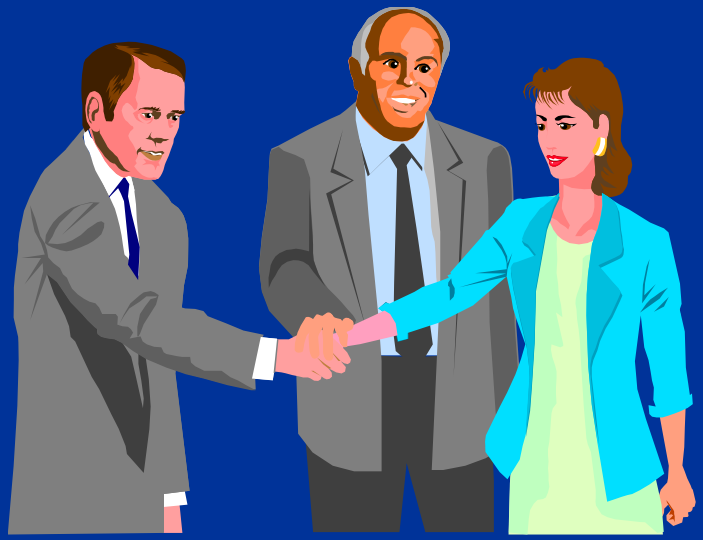
- Officers and Army Civilians
  - **"I do solemnly swear/affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office which I am about to enter."**

The Principles of Ethical Conduct

2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.

3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

Conflicts of Interest



- Participation in official matters
  - procurement actions
- Outside financial interests of self/spouse/child
- Actual vs. Appearance
- Disqualification
  - Ethics Counselor

Non-Public Information

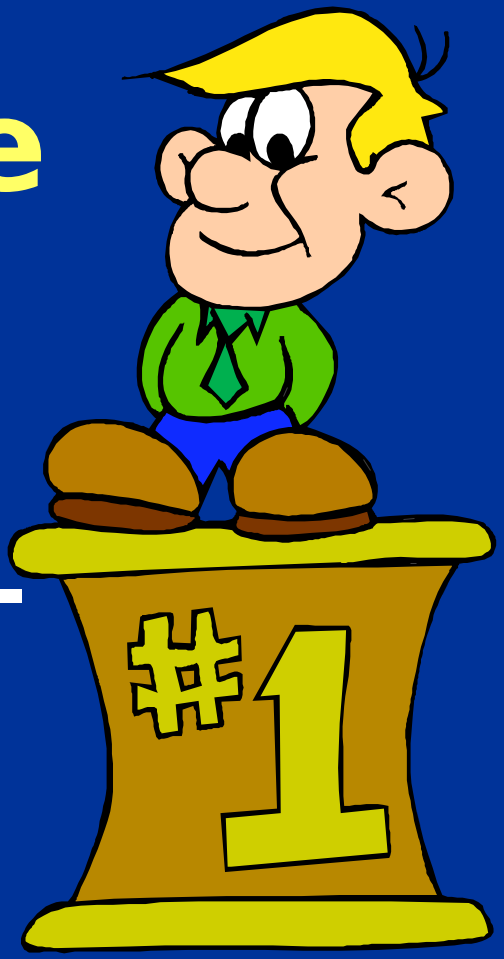
- **Procurement Integrity**
- **Classified Information**
- **Privacy Act**
- **Trade Secrets Act**

The Principles of Ethical Conduct

4. An employee shall not, except as permitted by law or regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

The #1 Gift Rule

Nothing requires a person to accept a gift - you may ALWAYS decline!



Gifts From Prohibited Sources

- Why is gift being offered?
- What is a gift?
- Who or what is a prohibited source?
- Is acceptance of any offer from a prohibited source impr[illegible]?
- What do I do now?

Why is Gift Offered?

- **Official position or personal capacity**
  - **sometimes the line becomes blurred**
- **Official position**
  - **gift rules apply**
- **Personal capacity**
  - **exercise caution**
  - **appearance concern**

What is a Gift?

- **Gift**
  - **any item of monetary value**
- **“non-gifts”**
  - **little intrinsic value intended solely for presentation**
  - **coffee and donuts**
  - **discounts or offers made to class/group**

Who or What is a Prohibited Source?

- Does business with Army
- Seeks to do business with Army
- Conducts activities that Army regulates
- Interests may be substantially affected

Prohibited Sources

- Professional associations
- Non-profit organizations
- Educational institutions
- State and Local governments/agencies
- Defense contractors
  - contractor personnel

Gifts from Contractor Personnel

- **Contractor Employees are Prohibited Sources**
  - **General rule – no gifts solicited or accepted**
  - **No solicitation for retirement or other gift for Government employee or Soldier**

Exceptions to the Rule

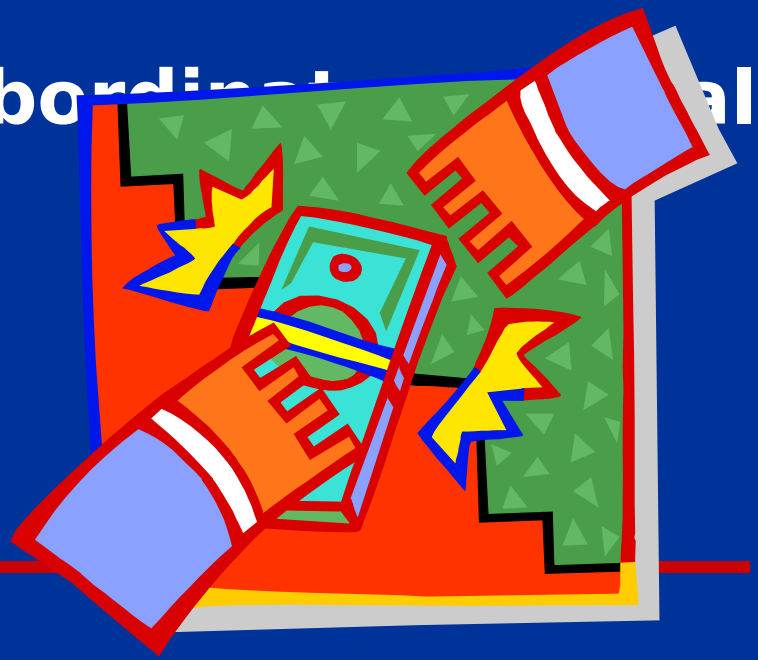
- Market value ≤ $20
- < $50 per source per calendar year
- Gift to group or class of employees or Soldiers
  - based on other than official position/rank
- Award for service achievement
  - established program
- Permitted by statute
  - gifts from foreign governments

What do I do if Gift is Offered?

- **Decline!**
  - **Remember the #1 Rule**
- **If situation is such that are unable to decline:**
  - **gift to agency**
  - **consumable goods**
  - **pay market value to donor**
  - **return gift**

Gifts Between Government Employees

- **An employee is prohibited from:**
  - **giving or soliciting contributions for gifts**
  - **to someone in subordinate to superior chain**

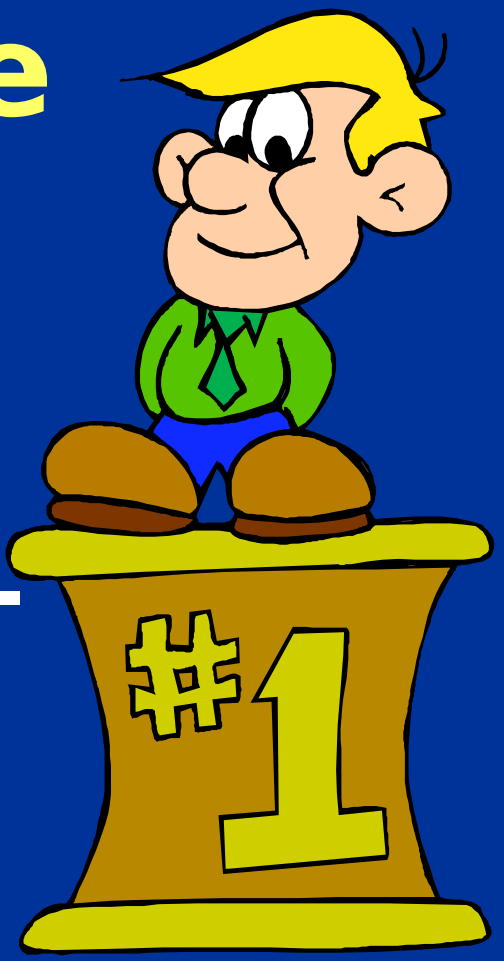


Gifts Between Government Employees

- **An employee is prohibited from:**
  - **accepting gifts from**
  - **employees who receive less pay**
    - **unless no subordinate - official superior relationship AND**
    - **personal relationship justifies**

The #1 Gift Rule Again!

Nothing requires a person to accept a gift - you may ALWAYS decline!



Exceptions

- ≤ $10 per occasion
  - birthday gift
  - vacation souvenir
  - no cash
- Refreshments shared in office
- Hospitality at employee's home

Exceptions

- **Special infrequent occasions**
  - **appropriate to the occasion**
  - **marriage, illness, birth or adoption of child**
  - **retirement, resignation, transfer**
  - **promotion IF terminates existing subordinate - official superior relationship**

Exceptions

- Special infrequent occa
  - Value of gift
    - Not to exceed $300 per donating group
  - More than 1 donating group
    - If employee contributes to more than one group, the cost of the gifts of the different groups become one for purposes of $300 limitation

Exceptions

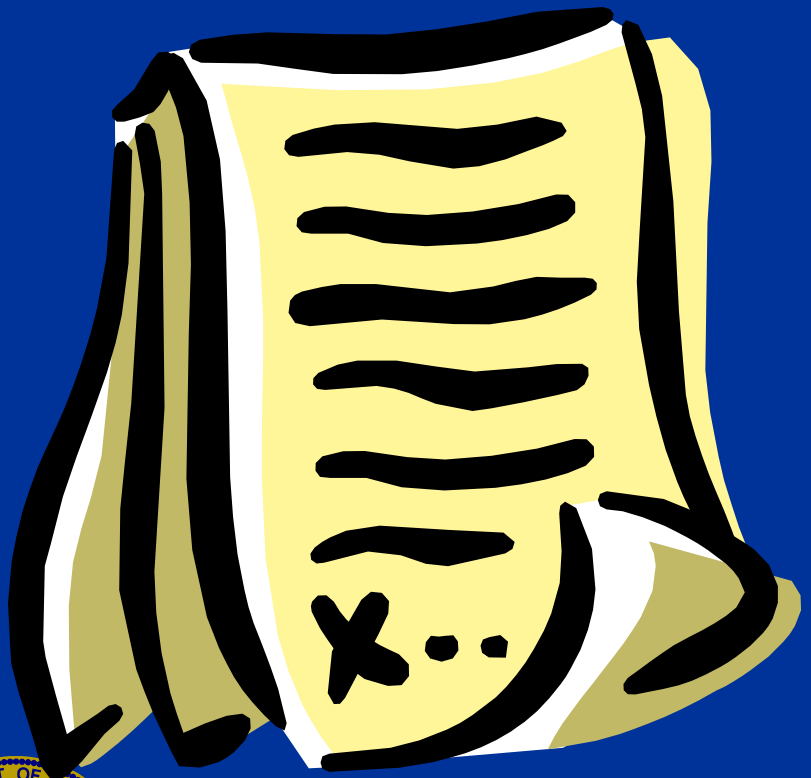
- Voluntary contributions
- Nominal amount
  - JER - may solicit no more than $10
  - Individual may donate more
- Occasions
  - occasional sharing of food within office
  - gift for special, infrequent

The Principles of Ethical Conduct

5. Employees shall put forth honest effort in the performance of their duties.

6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

Unauthorized Commitments



- Must have authority to enter into contracts or agreements
- Personal liability
- Contracting personnel

The Principles of Ethical Conduct

7. Employees shall not use public office for private gain.

8. Employees shall act impartially and not give preferential treatment to any private organization or individual.

9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

Protect & Conserve Government Property

- Use of government property
  - official and authorized purposes only
- Communications Systems
  - computers, telephones, Email, Internet
    - may be used for authorized purposes
  - cell phones – recent change
    - AR 25-1 (June 2004)
    - official and authorized uses

Protect & Conserve Government Property

- **Use of Subordinates**
  - **personnel are resources too!**
  - **personal errands, meals, dry cleaning, shopping**
    - **Improper to ask subordinat**
    - **Decline offers of subordin**

The Principles of Ethical Conduct

10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

The Principles of Ethical Conduct

13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Conclusion

- 14 Principles - only the start
  - Code of Federal Regulatio
  - Joint Ethics Regulation
- Questions/Concerns
  - Ask your Ethics Counselor
  - Ask BEFORE you act
- Ethics is Everyone's Responsibility

Questions?